REMARKS

Filed concurrently with this response is an Information Disclosure Statement.

Claims 1-22 were pending in the application. Claims 1-3 and 8 were rejected. Claims 1 and 8 are herein cancelled.

Claims 2-7 and 9-22 remain in the application. Claims 12-22 stand allowed. Claims 2-3 stand rejected. Claims 4-7 and 9-11 stand objected to by the Examiner as dependent upon rejected claims with an indication that these would be allowable if the claims were redrawn in independent form. The independent claims are now 2, 4-7, 9, 12, 17, 19 and 21-22.

Allowable Subject Matter

The Examiner has indicated that claims 4-7 and 9-11 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant appreciates this indication of allowability by the Examiner. In the above amendments, Applicant has rewritten claims 4-7 and 9 in independent form, incorporating all the limitations of the base claims. The remaining claims subject to the objections depend directly or indirectly on these rewritten claims and are no longer dependent on a rejected base claim or any rejected intervening claims. Applicant submits that the claims are now allowable, and respectfully requests the Examiner to withdraw the objections and allow claims 4-7 and 9-11.

Rejections under 35 U.S.C. §103

The Examiner rejected claims 1 and 8 under 35 U.S.C. §103(a) as being unpatentable over Borden et al., U.S. Patent 5,870,629 (Borden).

Applicant has cancelled claims 1 and 8 without disclaimer or prejudice.

The Examiner rejected claims 2-3 under 35 U.S.C. §103(a) as being unpatentable over Borden in view of Nielsen, U.S. Patent 5,826,031 (Nielsen).

Applicant's invention is directed to improving the response time required to download information content from a server to a client computer "by prioritizing the content and allocating the server or client bandwidth accordingly" (specification, page 2. lines 11-14).

Nielson discloses Applicant's own work related to displaying objects in a web page based on a "PRIORITY" attribute added to the anchor tag for the object (Nielsen, column 6, lines 13-23). Borden does not teach how priorities are assigned to the various queues.

Claim 2 recites priorities "based on type of information" while Borden does not tell how priorities are assigned and Nielsen teaches priorities based on occurrence of a PRIORITY attribute in a tag. No such attribute is required by Applicant's present invention.

For example, an HTML page containing text and anchors for two images, one sound file, and an applet, can be prioritized according to the present invention even if none of the anchors include a "PRIORITY" attribute. For example, the present invention could give top priority to text, second priority to applets, third priority to images, and fourth priority to sound files. This would not necessarily change even if the tag for one

of the images was given a "PRIORITY" attribute. Then, instead of assigning one fifth of the bandwidth to each of the elements of the web page, the invention of claim 2 will provide more bandwidth to the applet than to the images, even the PRIORITY image. Bandwidth allocation is based on type of information, not the attributes of individual anchors taught in Nielsen. Of course, the priority can also depend on a "PRIORITY" attribute, but this is not required by claim 2. Claim 2 requires that at least one set of priorities be based on type of information without reliance on an attribute. This is not shown by Nielsen.

The advantage is that priority for available bandwidth can be established among objects in a web page, even for web pages without PRIORITY attributes inserted in anchor tags. This priority is more likely to be satisfying to a user than a random or equal distribution of bandwidth.

Furthermore, the Examiner does not provide a technical reason or motivation to combine these references. There is no shortcoming in either Nielsen or Borden identified by the Examiner that would lead a person of ordinary skill in the art to look to the other for a solution. Therefore the Examiner has failed to establish prima facie obviousness, and a rejection under 35 U.S.C. §103 is improper for this reason as well.

Because combination is not proper, and, in any case, the combination does not teach or suggest priority based on information type, the rejection of claim 2 under 35 U.S.C. §103 is improper.

Claim 3 depends on claim 2 and is allowable for at least the same reasons given for claim 2. Applicant respectfully requests the Examiner reconsider the rejections of claim 2-3.
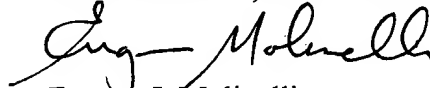
The amendments to the remaining claims are made to remove the informalities objected to by the Examiner and not to distinguish over any known prior art. For the reasons given, Applicant believes that the application is in condition for allowance and the Applicant requests that the Examiner give the application favorable consideration and permit it to issue as a patent.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Should any additional issues remain that might be resolved by an interview or an Examiner's amendment, or if I can be of any assistance in any other way, please do not hesitate to contact me at (202) 756-8682.

Respectfully submitted,

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